

**Claims:**

Please amend the claims as follow: Please amend claims **1 and 5** per the Examiners helpful suggestions.

The applicant has requested **Constructive Assistance**. Therefore another request for **Constructive Assistance is made**. The applicants have amended the specification and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. § 107.03(d) and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

**1. (currently amended)** An assaying device for collecting a fluid specimen, analyzing a portion of the sample said device comprising:

- a) container means, having an opening, for collecting a specimen, and a chamber, for storing said specimen,;
- b) cap means for sealing the container means opening;
- c) assay means, integrated into the said container means, for chemically analyzing said specimen, said assay means being positioned in the outside wall of the container means for enabling direct visual observation thereof; and
- d) shaft means, is comprised of a shaft and shaft chamber for allowing fluid connection of the specimen between the container means and the assay means when depressed;
- e) means, for activating the said assay means by perforating the container means from the inside wall of the said container by depressing a shaft means, allowing said specimen to enter ~~said shaft chamber means, said last means~~ comprising a lateral flow means connecting the said shaft chamber filled with said specimen and the assay means for providing fluid communication there

between ~~without~~ wherein depressing the activation means does not require the  
use of plungers, plenums, and tilting of the said container means.

2. **(original)** The assaying device according to claim 1 wherein said assay means comprises lateral flow means the allows fluid contact between the said shaft chamber means and the assay means.

3. **(canceled)** The assaying device according to claim 1 wherein said assay means is integrated into the outside wall of the assay device.

4. **(canceled)** A device for collecting and analyzing a fluid specimen, assaying a portion of the fluid specimen comprising;

- a) containing means for collecting the said specimen;
- b) placing said specimen into said containing means;
- c) placing cap means for sealing onto the said container means;
- d) depressing the activation means which contains a shaft means that perforates the inner wall of the said containing means and recording the results from the assaying means.

5. **(currently amended)** A method ~~for collecting and analyzing a fluid specimen, assaying a portion of the fluid specimen~~ of specimen collection and analysis utilizing a container means with a cup, lid and activation component comprising;

- a) containing ~~means for collecting~~ the said specimen in the said cup;
- b) placing the lid on the cup and closing ~~said specimen into said containing means~~;
- c) activating the analyzing component of the cup by depressing the activation means ~~placing cap means for sealing onto the said container means~~;

~~depressing the activation means which contains a shaft means that perforates the inner wall of the said containing means and recording the results from the assaying means without the use of plungers, plenums, and tilting of the said container means and recording the results of the analysis wherein depressing the activation means does not require the use of plungers, plenums or tilting of the said container means.~~